



STATE OF INDIANA
MITCHELL E. DANIELS, JR., Governor

PUBLIC ACCESS COUNSELOR
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July 26, 2012

Mr. Christopher Rudolph
DOC 120634
3038 West 850 South
Bunker Hill, Indiana 46914

Re: Formal Complaint 12-FC-195; Alleged Violation of the Access to Public Records Act by the Indianapolis Parole District

Dear Mr. Rudolph:

This advisory opinion is in response to your formal complaint alleging the Indianapolis Parole District ("District") violated the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 *et seq.* Stacy Doane-Selmier, Parole Supervisor, responded on behalf of the District. Her response is enclosed for your reference.

BACKGROUND

In your formal complaint, you allege that on June 5, 2012, you submitted a written request to the District for copies of records related to certain information regarding your interaction with the District. As of July 11, 2012, the date you filed your formal complaint with the Public Access Counselor's Office, you further allege that you have yet to receive a response.

In response to your formal complaint, Ms. Doane-Selmier apologized for the delay in responding to your written request for records and has enclosed all records that are responsive. Certain records are unable to be provided as they are only maintained by the District for a period of one year.

ANALYSIS

The public policy of the APRA states that "(p)roviding persons with information is an essential function of a representative government and an integral part of the routine duties of public officials and employees, whose duty it is to provide the information." *See* I.C. § 5-14-3-1. The District, as part of the Indiana Department of Correction, is a public agency for the purposes of the APRA. *See* I.C. § 5-14-3-2. Accordingly, any person has the right to inspect and copy the District's public records during regular business hours

unless the records are excepted from disclosure as confidential or otherwise nondisclosable under the APRA. *See* I.C. § 5-14-3-3(a).

A request for records may be oral or written. *See* I.C. § 5-14-3-3(a); § 5-14-3-9(c). If the request is delivered in person and the agency does not respond within twenty-four hours, the request is deemed denied. *See* I.C. § 5-14-3-9(a). If the request is delivered by mail or facsimile and the agency does not respond to the request within seven days of receipt, the request is deemed denied. *See* I.C. § 5-14-3-9(b). A response from the public agency could be an acknowledgement that the request has been received and information regarding how or when the agency intends to comply. Here, you submitted a written request to the District for records on or about June 5, 2012. The District acknowledged and apologized for failing to respond to your request pursuant to the requirements of section 9 of the APRA. As such, it is my opinion that the District acted contrary to the APRA by failing to respond in writing to your written request within seven days of its receipt. As the District has now provided all records that it currently maintains that are responsive to your request, I trust that this is in satisfaction of your formal complaint.

CONCLUSION

For the foregoing reasons, it is my opinion the District violated section 9 of the APRA by failing to respond in writing to your written request within seven days of receipt.

Best regards,

A handwritten signature in black ink, appearing to read "J. Hoage". The signature is written in a cursive style with a large initial "J" and a stylized "H".

Joseph B. Hoage
Public Access Counselor

cc: Stacy Doane-Selmier